

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ANDREA CHABLE, AS NEXT FRIEND
OF AR. M.; ANDREA CHABLE,
ANDREA CHABLE, AS NEXT FRIEND
OF AN. M; AND RAUL AGUILAR
GUTIERREZ,

卷之三

SA-23-CV-00924-JKP

Plaintiffs,

VS.

ALI SAQAR ALRUSAITEM, ORD
TRANS, INC.,

Defendants.

ORDER

Before the Court in the above-styled cause of action is Defendants' Opposed Motion for Contribution Claim Against Raul Aguilar Gutierrez [#16]. By their motion, Defendants allege that Mr. Gutierrez (one of the Plaintiffs) is liable for negligence, which was a proximate or sole cause of the accident underlying this suit, and they assert that they are entitled to contribution from Mr. Gutierrez regarding any damages awarded to Plaintiffs. The Court construes Defendants' motion as a motion for leave to file a counterclaim against Mr. Gutierrez. The request for leave to file a counterclaim was timely filed under the governing Scheduling Order. Any response in opposition to the motion was due on or before November 28, 2023. *See* W.D. Tex. Loc. R. CV-7(d). No response has been filed. The Court therefore construes the motion as unopposed and will grant it. *See id.* The Court reminds Mr. Gutierrez of his obligation to file a responsive pleading in accordance with the Rules of Civil Procedure once the Counterclaim has been filed. *See* Fed. R. Civ. P. 12(a)(1)(B).

IT IS THEREFORE ORDERED that Defendants' Opposed Motion for Contribution Claim Against Raul Aguilar Gutierrez [#16], which the Court construes as a motion for leave to file a counterclaim, is **GRANTED**.

IT IS FURTHER ORDERED that Defendants **FILE** the counterclaim described in their motion **within seven days** of this Order.

SIGNED this 8th day of December, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE